

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-29 are pending in the present application. Claims 1 and 12 are the independent claims.

Claim 16 has been amended. No new matter is believed to have been added.

Initially, Applicant acknowledges with appreciation the indication that claims 3-6, 8-10, 20-24, and 26-28 recite patentable subject matter and would be allowable if rewritten in independent form to include all of the features of their respective base claims and any intervening claims. By the present Amendment, Applicant has respectfully maintained these claims in dependent form because it is believed that their respective base claims, as amended, patentably define over the citations of record at least for the reasons set forth herein.

Applicant requests entry of this Rule 116 Response because:

- (a) the amendment of claim 16 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and
- (b) the amendment does not significantly alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

Claims 16 and 17 stand rejected under 35 U.S.C. §112, second paragraph. Applicant traverses this rejection and respectfully request reconsideration.

Applicant respectfully submits that the amendment of claim 16 overcomes the rejection.

Claims 1, 2, 7, 12-15, 18, 25, 26, and 29 stand rejected under 35 U.S.C. §102 (b) as being anticipated by Choi (U.S. 5,532,995 – hereinafter Choi). The reasons for the rejection are

set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully request reconsideration.

The MPEP states: “[t]o anticipate a claim, the reference must teach every element of the claim.” (MPEP 2131).

The MPEP then quotes: “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (Quoted in MPEP 2131).

The MPEP further quotes “[t]he elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.” *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). (Quoted in MPEP 2131).

Independent claim 1 recites: “An apparatus to accommodate and load a disc cartridge housing a disc and which is loaded in a drive in a first direction, the apparatus comprising:...a sliding holder installed on a tray to prevent the disc cartridge from moving by pressing the disc cartridge, restricted by a locking lever, in a direction opposite the first direction.

Independent claim 12 recites: “...a tray on which the disc cartridge is accommodated and which is received in the case in a first direction...a holder slidably installed on the tray and which biases the disc cartridge against the locking element in a direction opposite the first direction so as to prevent movement of the disc cartridge relative to the tray when the disc cartridge is accommodated on the tray.

Applicant respectfully submits that Choi does not teach at least the aforementioned features of independent claims 1 and 12.

Initially, the Office Action appears to be misinterpreting the language of independent claim 1. Contrary to the Office Action’s interpretation in the Response to Arguments, in independent claim 1, the phrase “restricted by a locking lever” modifies the word “cartridge,” and the phrase “in a direction opposite the first direction” modifies the phrase “by pressing the disc cartridge.” Thus, as recited in independent claim 1, the disc cartridge is restricted by the locking lever, and the sliding holder is installed on the tray to prevent the disc cartridge from moving by pressing the disc cartridge in a direction opposite the first direction.

Choi discloses a disc-cartridge loading apparatus for a mini-disc player. The apparatus includes a disc-cartridge tray 50, a disc cartridge pushing plate 40, and a disc-cartridge guide plate 30. Engaging piece 36 is connected to disc-cartridge guide plate 30 at a first end thereof,

and has a protruded engaging member 38 disposed at an opposite thereof. When disc-cartridge 80 is inserted into tray 50, engaging piece 38 engages engaging hole 70 of disc-cartridge 80, and rides in guide hole 58 of tray 50 as driving means 20 moves guide plate 30 in the same direction disc-cartridge 80 is inserted, to move disc-cartridge 80 into housing 10.

When disc-cartridge 80 is completely inserted, driving means rotates first gear 28 such that protruded portion 28 bears on pushing plate 40, which bears on disc-cartridge 80 and tray 50 and moves them downward with respect to FIGS. 1 and 2 (tray 50 moves along guide rod 60) so that disc-cartridge 80 is stably fixed on turntable 90. (See Choi, e.g., at FIGS. 1-3B, and col. 2, line 34 to col. 3, line 58).

The Office Action asserts that the pushing plate 40 corresponds to the claimed sliding holder. Applicant respectfully submits that the downward bearing by pushing plate 40 on the disc-cartridge 80 is not opposite to the direction in which the disc-cartridge 80 is inserted.

Further, to suggest modifying Choi to correspond to the claims would render the device in Choi unsatisfactory for its intended purpose, since pushing plate 40 would no longer stably fix disc-cartridge 80 on turntable 90.

Accordingly, with respect to independent claim 1, Applicant respectfully submits that Choi neither discloses nor suggests "...a sliding holder installed on a tray to prevent the disc cartridge from moving by pressing the disc cartridge, restricted by a locking lever, in a direction opposite the first direction."

And with respect to independent claim 12, Applicant respectfully submits that Choi neither discloses nor suggests "...a holder slidably installed on the tray and which biases the disc cartridge against the locking element in a direction opposite the first direction so as to prevent movement of the disc cartridge relative to the tray when the disc cartridge is accommodated on the tray."

Accordingly, Applicant respectfully submits that the Examiner has not provided sufficient evidence to maintain a prima facie anticipation rejection of claims 1, 2, 7, 12-15, 18, 25, 26, and 29.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

In accordance with the foregoing, Applicant respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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